

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

STEPHEN M. PAGE,

Petitioner,

v.

Civil Action No. 2:06cv106

WARDEN-USP HAZELTON,

Respondent.

ORDER

It will be recalled that on November 15, 2006, Magistrate Judge Kaull filed his Report and Recommendation, wherein the Petitioner was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation.

Petitioner filed his objections and an Amended Petition on December 4, 2006.

Magistrate Judge Kaull filed a second Report and Recommendation on December 8, 2006, which addressed the Amended Petition. Petitioner was again directed to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. Petitioner filed objections to Magistrate Judge Kaull's second Report and Recommendation on December 26, 2006.

It appears to the Court that each of the Petitioner's Petitions, filed pursuant to 28 U.S.C. §2241, wherein Petitioner alleges that the prison's failure to provide him with requested legal copies is an unconstitutional violation of confinement, make essentially the same allegations. Upon examination of the reports from the Magistrate Judge, it appears to the Court that the issues raised by the Petitioner in his Petitions were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendations.

Upon review of the Petitioner's objections, the Court finds that the Petitioner has not raised any issues that were not already thoroughly considered and addressed by the Magistrate Judge in his Report and Recommendations. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendations accurately reflect the law applicable to the facts and circumstances before the Court in this action. As more fully stated in the Report and Recommendations, the Court finds that Petitioner appears to be alleging violations of the conditions of his confinement, and a petition for writ of habeas corpus under 28 U.S.C. §2241 is not the proper course of action for seeking the requested relief. Therefore, it is

ORDERED that each of Magistrate Judge Kaul's Report and Recommendations, entered on November 15, 2006 and December 8, 2006, be, and the same hereby are, accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the Petitioner's Petition for Writ of Habeas Corpus shall be, and the same hereby is, **DENIED** and **DISMISSED WITH PREJUDICE**. It is further

ORDERED that Petitioner's Amended Petition for Writ of Habeas Corpus shall be, and the same hereby is, **DENIED**. It is further

ORDERED that Defendant's Ex Parte Application for an Injunction and Temporary Restraining Order, filed on May 30, 2007, shall be, and the same hereby is, **DENIED** as moot. It is further

ORDERED that the above-styled action shall be **STRICKEN** from the docket of this Court. It is further

ORDERED that the Clerk shall enter judgment for the Respondent. It is further

ORDERED that, if Petitioner should desire to appeal the decision of this Court, written notice of appeal must be received by the Clerk of this Court within thirty (30) days from the date of the entry of the Judgment Order, pursuant to Rule 4 of the Federal Rules of Appellate Procedure. The \$5.00 filing fee for the notice of appeal and the \$450.00 docketing fee should also be submitted with the notice of appeal. In the alternative, at the time the notice of appeal is submitted, Petitioner may, in accordance with the provisions of Rule 24(a) of the Federal Rules of Appellate Procedure, seek leave to proceed in forma pauperis from the United States Court of Appeals for the Fourth Circuit.

ENTER: November 19th, 2007

A handwritten signature in black ink, appearing to read "Robert E. Haywell", written over a horizontal line.

United States District Judge